THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 23235 OF 2006

Dated 5th January, 2007

Between:

D.K.Narayan Rao

… Petitioner

And

The Registrar, Osmania University,
Hyderabad and others.

…Respondents.

ORAL ORDER:

The petitioner, who is working as Foreman in the Department of Mechanical Engineering in the University College of Engineering, Osmania University, Hyderabad, has filed this writ petition questioning order dated 20.9.2006 passed in proceedings No. MR 120/345/69/Admn.III placing the petitioner under suspension on account of a criminal case registered against him.

In the order impugned herein, it is stated that the Inspector of Police, Police Station, Golconda, has informed that the petitioner has been arrested by them on 31.8.2006 on his involvement in a criminal case on the charge of theft of a Ganesh Idol from a temple at O.U.Employees Cooperative Housing Society, Shaikpet, and, he has further informed that a case was registered against the petitioner in Crime No.327 of 2006 under Sections 448, 427, 379, 153(B) r/w Section 34 IPC and that the investigation is in progress.

The petitioner has challenged the validity of the impugned order on several grounds.

The matter was adjourned thrice for getting instructions. Now, it is submitted that though a case in Crime No.327 of 2006 was registered as early as on 31.9.2006, but, however, no final report is yet submitted as required under Section 173 of Criminal Procedure Code. It is to be seen that the allegation levelled against the petitioner is not directly connected with the functioning of the petitioner in the Department where he is employed. The suspension is solely based on the letter addressed by the Inspector of Police, Golconda Police Station. Though registration of a criminal case empowers the employer to place an employee under

suspension, but the same cannot be continued indefinitely. The order of suspension has to be reviewed based on the progress in the investigation in the criminal case. In this case, though four months have lapsed after registration of the case on 31.8.2006, no final report is stated to have been filed as yet, and the representation of the petitioner in this regard, which was filed on 30.10.2006, is pending consideration.

In that view of the matter, I dispose of the writ petition directing the first respondent to consider reviewing the order of suspension pursuant to the representation of the petitioner dated 30.10.2006 and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. The first respondent shall take into consideration the time-lapse in not concluding the investigation by the investigating agency in the criminal case while reviewing the order of suspension and take appropriate decision and communicate the same to the petitioner. No costs.

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5.1.2007

R.SUBHASH REDDY, J.

VR

Note:
Issue cc within two days.
(BO)
VR